

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

AARON WEBB,

Plaintiff,

v.

MARTY ALLEN,

Defendant.

CIVIL ACTION NO.: 6:18-cv-28

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 5), to which Plaintiff filed Objections, (doc. 7). In his Objections, Plaintiff asserts that he has only filed one previous lawsuit in the Northern District of Georgia. (*Id.* at p. 2.)

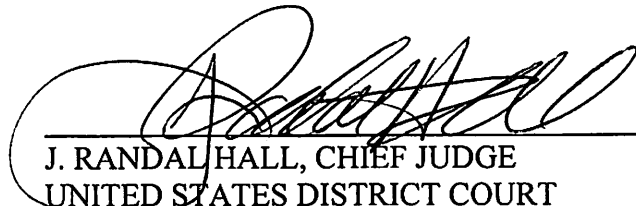
While it is true Plaintiff only filed one previous cause of action in the Northern District of Georgia, Plaintiff overlooks the fact that he has filed a previous cause of action in this District: Webb v. Brown, 1:15-cv-32.¹ Thus, Plaintiff's failure to disclose this second previous cause of action constitutes a lack of candor with this Court. In addition, Plaintiff's complaint in Webb v. Brown was dismissed based on Plaintiff's failure to state a claim after he was granted *in forma pauperis* status. (Doc. 5, p. 4 (citing Order, Webb v. Brown, 1:15-cv-032 (S.D. Ga. Feb. 27, 2015), ECF No. 3 (granting *in forma pauperis* status); R. & R. and Order, Webb v. Brown, 1:15-cv-032 (S.D. Ga. Apr. 15 and May 11, 2015), ECF Nos. 7, 9 (dismissing cause of action for failure to state a claim).) Plaintiff's failure to disclose this previous lawsuit, in which he was

¹ The "Aaron Webb" who filed Webb v. Brown has the same prisoner identification number as the "Aaron Webb" who filed the instant cause of action.

permitted to proceed *in forma pauperis* and which was dismissed for his failure to state a claim, further reveals Plaintiff's lack of candor with this Court.

The Court **OVERRULES** Plaintiff's Objections, and accordingly, **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES without prejudice** Plaintiff's Complaint and **DENIES** Plaintiff *in forma pauperis* status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

SO ORDERED, this 7th day of May, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA